

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RAMBUS INC.,

Plaintiff,

V.

HYNIX SEMICONDUCTOR INC., HYNIX
SEMICONDUCTOR AMERICA INC.,
HYNIX SEMICONDUCTOR
MANUFACTURING AMERICA INC..

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR, INC.,
SAMSUNG AUSTIN SEMICONDUCTOR,
L.P.,

NANYA TECHNOLOGY CORPORATION,
NANYA TECHNOLOGY CORPORATION
U.S.A..

Defendants.

No. C-05-00334 RMW

**STIPULATION AND ORDER DISMISSING
PORTIONS OF CERTAIN CLAIMS AND
DEFENSES WITH PREJUDICE**

RAMBUS INC.,

Plaintiff,

V.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR, INC.,
SAMSUNG AUSTIN SEMICONDUCTOR,
L.P.,

Defendants.

No. C-05-02298 RMW

STIPULATION AND ORDER DISMISSING PORTIONS OF CERTAIN CLAIMS AND DEFENSES WITH PREJUDICE
C-05-00334 RMW; C-05-02298 RMW
TSE

United States District Court

For the Northern District of California

1 A bench trial between Rambus and Samsung on various claims and defenses is scheduled to
2 begin on September 22, 2008. At a pretrial conference on September 16, 2008, Rambus and
3 Samsung agreed to drop certain issues from the case with prejudice. Their statements are attached to
4 this order as Exhibits A (Samsung's pleading) and B (Rambus's responsive pleading).

5 The court accepts the parties' stipulation to narrow the issues in this case. The court orders
6 that Samsung's claims and defenses based on Rambus's JEDEC conduct, the conduct of Neil
7 Steinberg, and representations made by Rambus in connection with the 1994 RDRAM technology
8 and patent licensing agreements are dismissed with prejudice. The court orders that Rambus's
9 defenses to Samsung's claims – release, laches, statute of limitations, and *Noerr-Pennington* – are
10 dismissed as moot to the extent those defenses are based on the issues Samsung has agreed to
11 remove from the case.

12
13 DATED: 9/16/2008


RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to: counsel in 05-00334 & 05-02298.**

| 2 Counsel for Rambus Inc., all actions | | 3 Counsel for Hynix entities, C-00-20905 and C-05-00334 | |
|---|------------------------------|--|-------------------------------------|
| 4 Burton Alexander Gross | 5 Burton.Gross@mto.com | Allen Ruby | 6 ruby@allenrubylaw.com |
| Carolyn Hoecker Luedtke | 7 carolyn.luedtke@mto.com | Belinda Martinez Vega | 8 bvega@omm.com |
| Catherine Rajwani | 9 crajwani@sidley.com | Daniel J. Furniss | 10 djfurniss@townsend.com |
| Craig N. Tolliver | 11 ctolliver@mckoolsmith.com | Geoffrey Hurndall Yost | 12 gyost@thelenreid.com |
| David C. Yang | 13 david.yang@mto.com | Jordan Trent Jones | 14 jtjones@townsend.com |
| Douglas A. Cawley | 15 dcawley@mckoolsmith.com | Joseph A. Greco | 16 jagreco@townsend.com |
| Erin C. Dougherty | 17 erin.dougherty@mto.com | Kenneth Lee Nissly | 18 kennissly@thelenreid.com |
| Gregory P. Stone | 19 gregory.stone@mto.com | Kenneth Ryan O'Rourke | 20 korourke@omm.com |
| Jennifer Lynn Polse | 21 jen.polse@mto.com | Patrick Lynch | 22 plynch@omm.com |
| Keith Rhoderic Dhu Hamilton, II | 23 keith.hamilton@mto.com | Susan Gregory VanKeulen | 24 svankeulen@thelenreid.com |
| Kelly Max Klaus | 25 kelly.klaus@mto.com | Theodore G. Brown, III | 26 tgbrown@townsend.com |
| Miriam Kim | 27 Miriam.Kim@mto.com | Tomomi Katherine Harkey | 28 tharkey@thelen.com |
| Peter A. Detre | 29 detrepa@mto.com | Counsel for Micron entities, C-06-00244 | |
| Pierre J. Hubert | 30 phubert@mckoolsmith.com | Aaron Bennett Craig | 31 aaroncraig@quinnmanuel.com |
| Rosemarie Theresa Ring | 32 rose.ring@mto.com | David J. Ruderman | 33 davidruderman@quinnmanuel.com |
| Scott L Cole | 34 scole@mckoolsmith.com | Harold Avrum Barza | 35 halbarza@quinnmanuel.com |
| Scott W. Hejny | 36 shejny@sidley.com | Jared Bobrow | 37 jared.bobrow@weil.com |
| Sean Eskovitz | 38 sean.eskovitz@mto.com | John D Beynon | 39 john.beynon@weil.com |
| Steven McCall Perry | 40 steven.perry@mto.com | Leeron Kalay | 41 leeron.kalay@weil.com |
| Thomas N Tarnay | 42 ttarnay@sidley.com | Linda Jane Brewer | 43 lindabrewer@quinnmanuel.com |
| William Hans Baumgartner, Jr | 44 wbaumgartner@sidley.com | Rachael Lynn Ballard McCracken | 45 rachaelmccracken@quinnmanuel.com |
| | | Robert Jason Becher | robertbecher@quinnmanuel.com |
| | | Yonaton M Rosenzweig | yonirosenzweig@quinnmanuel.com |

28
STIPULATION AND ORDER DISMISSING PORTIONS OF CERTAIN CLAIMS AND DEFENSES WITH PREJUDICE
C-05-00334 RMW; C-05-02298 RMW

United States District Court

For the Northern District of California

| 1 Counsel for Nanya entities, C-05-00334 | | 2 Counsel for Samsung entities, C-05-00334 and C-05-02298 | |
|---|---------------------|--|---------------------------|
| 3 Chester Wren-Ming Day | cday@orrick.com | Ana Elena Kadala | anita.kadala@weil.com |
| 4 Craig R. Kaufman | ckaufman@orrick.com | Claire Elise Goldstein | claire.goldstein@weil.com |
| 5 Glenn Michael Levy | glevy@orrick.com | David J. Healey | david.healey@weil.com |
| 6 Jan Ellen Ellard | jellard@orrick.com | Edward Robert Reines | Edward.Reines@weil.com |
| 7 Jason Sheffield Angell | jangell@orrick.com | Matthew D. Powers | matthew.powers@weil.com |
| 8 Kaiwen Tseng | ktseng@orrick.com | | |
| 9 Mark Shean | mshean@orrick.com | | |
| 10 Robert E. Freitas | rfreitas@orrick.com | | |
| 11 Vickie L. Feeman | vfeeman@orrick.com | | |

| 12 Counsel for intervenor, Texas Instruments, Inc., C-05-00334 | |
|---|----------------------------|
| 13 Kelli A. Crouch | kcrouch@jonesday.com |
| 14 Counsel for intervenor, United States Department of Justice, C-00-20905 | |
| 15 Eugene S. Litvinoff | eugene.litvinoff@usdoj.gov |
| 16 May Lee Heye | may.heye@usdoj.gov |
| 17 Nathanael M. Cousins | nat.cousins@usdoj.gov |
| 18 Niall Edmund Lynch | Niall.Lynch@USDOJ.GOV |
| 19 Counsel for intervenor, Elpida Memory, Inc., C-00-20905 and C-05-00334 | |
| 20 Eric R. Lamison | elamison@kirkland.com |
| 21 John J. Feldhaus | jfeldhaus@foley.com |

21
Counsel are responsible for distributing copies of this document to co-counsel that have not
22
registered for e-filing under the court's CM/ECF program in each action.

23
Dated: 9/16/2008

24
TSF
Chambers of Judge Whyte

25
26
27
28
STIPULATION AND ORDER DISMISSING PORTIONS OF CERTAIN CLAIMS AND DEFENSES WITH PREJUDICE
C-05-00334 RMW; C-05-02298 RMW

United States District Court

For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

STIPULATION AND ORDER DISMISSING PORTIONS OF CERTAIN CLAIMS AND DEFENSES WITH PREJUDICE
C-05-00334 RMW; C-05-02298 RMW
TSF

C-05-00334-RMW 4

C-05-02298 - RMW

Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc. and Samsung Austin Semiconductor LP (collectively, "Samsung") hereby dismiss, with prejudice, those portions of its claims under Cal. Bus. & Prof. Code section 17200 (count VII), for declaratory relief of unenforceability (count X) and related defenses of estoppel, equitable estoppel and implied license to the extent based on (1) Rambus' JEDEC conduct, (2) the conduct of Neil Steinberg (to the extent not already dismissed by the Court in its August 11, 2008 summary judgment order) and (3) representations made by Rambus in connection with the 1994 RDRAM technology and patent licensing agreements. As to all other asserted bases these claims and defenses are not dismissed and will be tried.

MDP

as amended.

9/16/08



Matthew D. Powers
Counsel for Samsung

United States District Court

For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT B

STIPULATION AND ORDER DISMISSING PORTIONS OF CERTAIN CLAIMS AND DEFENSES WITH PREJUDICE
C-05-00334 RMW; C-05-02298 RMW
TSF

In response to the dismissal with prejudice
by the Samsung ~~and~~ parties of Counts VII and X
to the extent based on allegations related to
JEDEC, RDRAM licensing and/or N.1 Semicon,
Rambus dismisses as moot its affirmative defenses
of release, laches, statute of limitations, and
Noerr-Pennington as and to the extent they
were addressed to the portions of Samsung's
Counts ~~#~~ VII and X described above. These
defenses, as asserted against other portions
of Counts VII and X and other of Samsung's
claims are not dismissed and will be tried.

Aggy P. Storn

Attorney for Rambus Inc.